

Serial No. 09/771,459
Docket No. 595-021PA (KIL021PA)

REMARKS/ARGUMENTS

In the identified Office action, claim 53 was allowed; claim 32 was indicated as being allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph; and, claims 28, 29, 31, 34-43 and 45-51 were objected to as being dependent upon a rejected base claim but as otherwise being allowable if rewritten into independent form. Applicants gratefully acknowledge the recognition of allowable subject matter in these claims.

Claim 32 has been amended to depend from claim 31 to provide proper antecedent basis for "plurality of data vendors" and thereby overcome the rejection of claim 32 under 35 U.S.C. §112, second paragraph. Accordingly, it is respectfully submitted that claim 32 is in full compliance with §112 and is condition for allowance which is requested.

In the identified Office action, claims 25-27, 30, 33, 44, 52 and 54-56 were rejected under 35 U.S.C. §103(a) as being unpatentable over Risberg et al. (U.S. Patent No. 5,339,392 - herein Risberg). The rejections of these claims is respectfully traversed.

As shown in Figure 4 of the present application, the invention comprises a ticker tape which scrolls small graphs of historical performance data across the screen. This graphical scrolling differs from conventional ticker tapes in that conventional ticker tapes display only textual information and present only the latest value of the performance data in question, rather than a historical record in the form of a graph. These features of the present invention are clearly recited in claims 25 and 52 ("a ticker tape of a plurality of graphical historical data charts"), and 54 ("a moving set of graphical images, each image representing current performance data and historical data"). In contrast,

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Risberg teaches an entirely conventional ticker tape separately from "graphs over time of various values."

It is respectfully submitted that the Abstract of the Disclosure of Risberg has been misinterpreted in the identified Office action by inappropriately applying the teachings of the present application. The Abstract¹ refers to "tickers showing trade data" which is immediately followed by reference to "graphs over time of various values or superimposed graphs of changes over time of several real time data values." However, it is clear from the teachings of Risberg that this does not refer to tickers showing graphs over time or tickers showing superimposed graphs of changes over time. Rather, a review of Risberg shows that it refers to a system with separate tickers and graphs functionalities. This is clear from Figure 1, that shows a separate ticker 20 and a separate historical graph 22, as well as from the Detailed Description of the Invention². For example, at column 8, lines 50-55, the specification defines an "active

¹ A software program providing a facility for a user to compose a custom active document using tools provided by the program. The active document can be comprised of one or more sheets each of which is composed in a custom manner by the user and each of which can show real time data and the changes therein generated by any complex system. The user can select which real time data is to be displayed, where it is to be displayed and in what format and style it is to be displayed. The user can control the "look" of the active document through full control of the fonts, colors, pen etc. The user may also define alarm limits against which real time data updates are compared as well as scripts of commands to be performed in case an alarm limit is exceeded. Scripts of commands to be performed written by the user may also be invoked from a menu option. The tools provided for a financial analysis embodiment of the invention allow the user to layout each sheet of the active document with: quotes of prices, volume etc. on various financial instruments such as stocks, bonds, etc., *tickers showing trade data*, graphs over time of various values or superimposed graphs of changes over time of several real time data values, bar graphs of some aspect of a set of financial instruments, segments defined by the user of pages selected by the user of page-based financial services like tolerate, and groups of real time data. "Buttons" can be programmed to perform any user defined script of actions. Metadata and style maps are used to offload some of the work of specifying the format of the displayed objects from the user to the machine itself. [emphasis added]

² The general classes of Active Objects are labels, quotes, tickers, time graphs, data set graphs, page segments and buttons. Column 7, lines 64-66.

The middle of the display also shows an instance 20 of a ticker class Active Object showing all trades in a specified set of issues that exceed a minimum volume set by the user. This particular criteria for display was programmed by the user using the ticker tool represented by icon 19. Column 8, lines 27-32.

"Active document" as that term is used herein means a video displayed document of one or more "sheets" of the user's design which incorporates text, displays of real time data in user definable style, e.g., color, font,

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document" as "a video displayed document of one or more 'sheets' of the user's design which incorporates text, displays of real time data in user definable style, e.g., color, font, background, pen size etc. and formats, e.g., quote, ticker, graph etc." It is also noted that the discussion of the ticker object in column 11, lines 22-35 makes no mention of graphical displays or graphs and that the description of the graph tool in column 12, line 45 through column 15, line 59 makes no mention of a ticker. Accordingly, Risberg does not teach or suggest tickers showing graphs over time or tickers showing superimposed graphs of changes over time as disclosed and claimed in the present application.

Not only does Risberg provide no teaching of tickers showing graphs over time or tickers showing superimposed graphs of changes over time, Risberg also provides no motivation to combine the ticker and graph functions to obtain a ticker tape of historical data graphs and does not even hint at this possibility. In fact, in teaching a separate ticker function and a separate graphing tool with involved analysis features, Risberg teaches away from the claimed invention which provides a ticker tape of simple graphs. Accordingly, Risberg does not render the invention of the present application obvious.

The Examiner notes that "Risberg et al does not specifically disclose storing gathered performance data concerning each of the subjects in a central database, wherein the storing step comprises storing the gathered data to form a contiguous sequential block of historical data for each subject." However, it is asserted that "[t]his would have been obvious to one of ordinary skill in the art at the time the invention was

background, pen size etc. and format, e.g., quote, ticker, graph etc., alarms, and alarm scripts, i.e., user defined scripts of commands to be processed (much like a word processing or spreadsheet macro) when an alarm limit is exceeded. Column 8, lines 50-58.

Also see column 10, line 29 through column 11, line 35; column 18, lines 56-60; column 20, lines 53-54; column 24, lines 22-25; and, column 28, lines 55-61.

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made because Risberg et al discloses displaying historical data received over a network. Therefore the data is stored in a database at another computer and because it is a history it is stored sequentially by dates." Since no prior art showing techniques for storing history data is cited, it appears that the Examiner is taking official notice that history data would be stored sequentially. This official notice is traversed since storage of history data could be based on any number of characteristics of the data with search or retrieval engines pulling the data as required. Accordingly, the Examiner is respectfully requested to provide documentary evidence or, if relying on personal knowledge, to provide an affidavit or declaration setting forth the specific factual statements and explanation as needed for support of what appears to be officially noticed information. See MPEP §2144.03.

In this regard, providing a ticker tape of graphical historical data charts involves a number of technical considerations not even addressed by Risberg, as they occur only in the specific context of the invention of the present application. In particular, in order for the ticker tape to function efficiently, the data for the graphical historical charts needs to be readily available on request from the user. This is achieved by the present invention by arranging the data store to form a continuous sequential block of historical data for each subject, as claimed in claim 25 and 52.

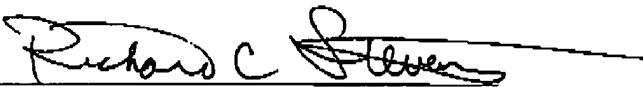
In view of the above remarks, it is respectfully submitted that independent claims 25, 52 and 54 distinguish over Risberg and are in condition for allowance which is requested. Since all the independent claims are submitted as being patentable over Risberg, so are the claims that depend from claims 25, 52 and 54. Accordingly, it is respectfully submitted that all claims now pending in the present application are in condition for allowance and applicants therefore request reconsideration of the application and allowance of all claims.

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Claims 28, 29, 31, 34-43 and 45-51 that were objected to as being dependent upon a rejected base claim but as otherwise being allowable if rewritten into independent form have not been amended into independent form in view of the above remarks indicating the allowability of the claims from which they depend.

If the present amendment raises any questions or the Examiner believes that an interview would facilitate prosecution of the present application, he is respectfully requested to contact the undersigned attorney.

Respectfully submitted,
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